

MEETING MINUTES

Board of Mental Health Practice

January 6, 2006

1. ROLL CALL

The meeting of the Board in Mental Health Practice was called to order by the Chairperson, Amanda Randall, at 9:02 A.M., in Sixth Floor Conference Room Z, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members, and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

Members Present:	John Atherton	-	Secretary
	John Danforth	-	Member
	Janice Fitts	-	Member
	Vickie Frizzell-Pratt	-	Member
	Mike Kenney	-	Member
	Susan Meyerle	-	Vice-Chairperson
	Layne Prest	-	Member
	Amanda Randall	-	Chairperson

Members Absent:	Monalisa McGee-Snyder-	Member
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Staff Present:	Kris Chiles	-	Section Administrator, Credentialing Division
	Brad Shaff	-	Assistant Attorney General
	Mike Grutsch	-	Investigations & Enforcement Division
	Loretta Bennett	-	Investigations & Enforcement Division
	George Pflager	-	Investigations & Enforcement Division
	Barbara Remmers	-	Investigations & Enforcement Division

Others Present: Gwen Weber, Board of Health Member

A quorum was present and the meeting convened.

2. INTRODUCTION OF NEW MEMBERS

Randall stated that there are two new board members present today Janice Fitts and Vickie Frizzell-Pratt, and welcomed them. Each member of the board then introduced themselves, stated where they are from, their type of practice and position on the board.

3. ADOPTION OF AGENDA

MOTION: Meyerle moved, seconded by Kenney to adopt the agenda. A roll call vote was taken. Voting aye: Atherton, Danforth, Fitts, Frizzell-Pratt, Kenney, Lorenzen, Meyerle, Prest, and Randall (9). Voting nay: none (0). Absent: McGee-Snyder, (1). Motion carried.

4. APPROVAL OF MINUTES

To be presented at next meeting.

5. INVESTIGATIVE REPORTS – CLOSED SESSION

MOTION: Meyerle moved, seconded by Kenney to enter into closed session at 9:07 A.M. to hear discussions of a confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Atherton, Danforth, Fitts, Frizzell-Pratt, Kenney, Lorenzen, Meyerle, Prest, Randall (9). Voting nay: none (0). Absent: McGee-Snyder, (1). Motion carried.

9:26 AM	-	McGee-Snyder joined the meeting
9:52 AM	-	Randall recused herself from the meeting due to a conflict of interest
9:52 AM	-	Bennett departed the meeting
9:54 AM	-	Weber & Grutsch departed the meeting
9:55 AM	-	Weber re-joined the meeting
10:05 AM	-	Randall re-joined the meeting
10:23 AM	-	Lorenzen departed the meeting
10:25 AM	-	Lorenzen re-joined the meeting
10:35 AM	-	Kenney departed the meeting
10:36 AM	-	Randall re-joined the meeting
10:38 AM	-	Kenney re-joined the meeting

6. DISCIPLINARY INFORMATION – OPEN SESSION

MOTION: McGee-Snyder moved, seconded by Lorenzen to enter into open session at 10:42 AM. A roll call vote was taken. Voting aye: Atherton, Danforth, Fitts, Frizzell-Pratt, Kenney, Lorenzen, McGee-Snyder, Meyerle, Prest, Randall (10). Voting nay: none (0). Absent: (0). Motion carried.

10:42 AM	-	The Board took a break
10:53 AM	-	The Board continued the meeting in open session
10:53 AM	-	A member of the public joined the meeting (Julie Hippen)

a. Actions Pending/Taken

Steven Liechti

Shaff stated that Mr. Liechti holds a License as a Mental Health Practitioner. An Order has been entered, accepting the agreed settlement, to surrender his license. Mr. Liechti has also provided a letter, to be included in his credentialing file and indicated that anyone requesting a copy of the disciplinary action would also receive a copy of the letter. Shaff continued and read the letter to the board.

7. UPDATES

a. 407 Review – Expanded Scope of Practice

Randall advised the board member folders, include a copy of the "Directors Report on the Proposal for Change in Scope of Practice".

Randall summarized the report and Chiles went on to clarify that the Director's recommendation was AGAINST the applicant proposal as presented. She directed the member's attention to the summarization on page 3 of the letter. Randall stated that essentially this would expand the scope of practice of the LMHP to allow independent diagnosis and treatment of clients with major mental disorders. It would require additional training and issuance of an additional credential as a Licensed Independent Mental Health Practitioner".

11:17 AM	-	Weber re-entered the meeting
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b. Other

None to report

8. APPLICATION REVIEWS AND ISSUES**a. Applications**

No application to review

b. Convictions**♦ William Ray Michener**

Chiles presented a PLMHP application to the Board. Mr. Michener's application for provisional licensure indicates a conviction history.

Application category:	Conviction:	Conditions:
PLMHP	Take Control of Merchandise (12/03/98)	\$250.00 fine 6 months probation Jail Sentence-2 days Probation (2 nd)-30 days Satisfactorily complete the "Theft Classes" Complete 100 hours of community service
	Stealing less than \$300 (4/28/94)	\$500.00 fine
	Stealing less than \$300 (9/12/91)	\$50.00 fine
	Stealing less than \$300 (3/26/91)	\$198.00 fine

MOTION: Meyerle moved, seconded by McGee-Snyder that that the conviction does not have a rational connection to the applicants' ability to practice, however given the date of the conviction and the fact it is a single event, the provisional license should be issued with no terms and conditions. A roll call vote was taken. Voting aye: Atherton, Danforth, Fitts, Kenney, Lorenzen, McGee-Snyder, Meyerle, Prest, Randall (9). Voting nay: none (0). Absent: (0). Abstaining: Frizzell-Pratt, (1) Motion carried.

c. Reinstatements

No petitions/applications for reinstatement to review

d. Administrative Penalties**William Becker**

Chiles indicated that this individual had submitted an application for provisional licensure as a mental health practitioner. The application for licensure indicates that he did practice for 11 days prior to the date of application. Chiles reminded the board that effective July 2005 (by statute) an Administrative Penalty Fee of \$10.00 per day, for each day practiced without a license, up to \$1,000 could be assessed.

The Administrative Penalty fee relates to those who practiced before any credential was issued as well as those whom practice AFTER the expiration date of their license to practice. The money collected goes to the Permanent School Fund.

The Board recommended initiating the administrative penalty fee and not take any additional action.

9. UNFINISHED BUSINESS

a. Newsletter-Volume 2

Chiles stated that she has now collected all of the assigned articles and provided the board with the drafted articles. She asked that the board members to read the articles for corrections and/or changes and advise her of such, within the next two weeks, so that final editing can be accomplished and the newsletter could be printed and mailed.

10. NEW BUSINESS

a. Uniform Licensing Law Rewrite Discussion/Update

Chiles advised that a letter had been sent to all board members, all associations and a variety of others who were involved in the re-write, over the past year. She further stated that the Department was informed on December 12th by the Governor's Policy Research Office that we were not to pursue the introduction of the ULL rewrite during the 2006 legislative session. (There was no reason provided)

Chiles reviewed the broad steps involved in the process when the Department seeks legislative proposals:

- The Department/Division develops a concept paper
- The HHS Cabinet reviews and approves/denies concept
- HHS seeks Governor approval for introduction

The Department initially sought introduction of a ULL re-write during 2004; however, we were advised to seek more input, which we did during 2005. As you recall, we held a number of public forums for associations, boards, and the general public.

Chiles stated that the current plan for 2006 is to re-group, look at the language and comments again, and request reintroduction in 2007.

b. Practice Act Rewrite Review

Chiles stated that since the Uniform Licensing Law Rewrite will not be introduced in 2006, the Practice Acts with proposed changes also will not go forward.

c. Reports

• AASCB Correspondence

None

• AMFTRB Correspondence

Atherton stated that fees are likely to be increased.

• ASWB Correspondence

Randall stated that New Board Member Training is open to all members of licensing boards. She stated that both she and Chiles have registration forms for anyone wishing to attend. The three training sessions this year are being held March 10-12 and June 23-25, both in Northern Virginia and August 25-27 in Indianapolis.

Meyerle stated that she attended the New Board Member Training last year and found it very helpful to collect information on how other boards handle specific issues, was a very worthwhile meeting and

encouraged anyone interested to attend. It was further clarified that ASWB would cover the expense for this training.

The Spring Meeting will take place April 27-30, in Portland, Oregon on Ethical Practice. Randall stated that she is a Committee Chair and is funded to attend, if any other board members are interested in attending, the board could consider funding such attendance. Randall indicated that although the fall meeting, is free for one delegate from each jurisdiction to attend, the spring meeting is not. The Board recommended paying expenses for at least 2 members to attend. Chiles advised that anyone interested in attending should advise her within the next month, so that appropriate approval can be gained.

• Citizen Advocacy Correspondence

None

d. Other

Chiles informed the board that included in their board member packet was a copy of a Compliance Monitoring Supervisor Approval form. The Psychology Board uses this particular form, when they consider approving a practice monitor, and it includes questions to assist them in making an informed decision to approve/deny the request. She asked that the board members review this form and see if it is something they might be able to apply to their own profession, at least as a starting place.

Chiles advised that their packet also included a sample of the Department's standard letter offering issuance of a probationary license. This applies to an individual who seeks initial licensure, the board has recommended that a probationary license be issued (based on a history or single conviction which has a rational connection to the applicant's practice), and the Department has agreed with the Board's recommendation.

11. ELECTIONS AND APPOINTMENTS

a. Officers

(MOTION: Lorenzen moved, seconded by Kenney that the current slate of officers continue for 2006. No other nominations were made. A roll call vote was taken. Voting aye: Atherton, Danforth, Fitts, Kenney, Lorenzen, McGee-Snyder, Meyerle, Prest, Randall (9). Voting nay: none (0). Absent: (0). Abstaining: Frizzell-Pratt, (1) Motion carried.

The 2006 slate of officers is:	Amanda Randall	-	Chairperson
	Meyerle	-	Vice-Chairperson
	Atherton	-	Secretary

b. Complaint Screeners

Randall defined the role of a complaint screener as the individual who screens the initial complaint to determine if it appears to be a violation of the statutes/regulations and warrants investigation.

Pflagler further clarified that the Screening Committee is comprised of one member of specific licensure/certification category, an investigative representative, and the Assistant Attorney General. He continued by summarizing the screening process.

(MOTION: Lorenzen moved, seconded by Kenney to nominate the following individuals as the slate of complaint screeners for 2006:

- Randall to represent social workers,
- McGee-Snyder to represent professional counselors,
- Prest to represent marriage and family therapy, and
- Meyerle to represent mental health practice

A roll call vote was taken. Voting aye: Atherton, Danforth, Fitts, Kenney, Lorenzen, McGee-Snyder, Meyerle, Prest, Randall (9). Voting nay: none (0). Absent: (0). Abstaining: Frizzell-Pratt, (1) Motion carried.

12. ADJOURNMENT

There being no further business, the meeting of the Board of Mental Health Practice adjourned at 11:54 A.M.

Respectfully Submitted,

John Atherton, Secretary
Board of Mental Health Practice

**The next board
meeting is scheduled
for March 3, 2006.**

Tape Recorded and Summarized by:
Cindy Kelley, Health Licensing Specialist
Credentialing Division